

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

SANDRA R. HARRIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 08-238-GPM
)	
TENET HEALTHCARE CORPORATION, d/b/a)	
as Subsidiary, Saint Louis University Hospital,)	
GEORGE MATUSCHAK, M.D., and)	
CARL KAPLAN, M.D.,)	
)	
Defendants.)	

COMPLAINT

Count I

COMES NOW, the Plaintiff, Sandra R. Harris, by and through her counsel of record, John J. Hopkins & Associates, P.C., and complaining of the Defendant, GEORGE MATUSCHAK, M.D., alleges as follows:

1. That at all times herein mentioned, the Plaintiff, Sandra R. Harris, was a resident of the State of Texas.
2. That at all times herein mentioned the Defendant George Matuschak, M.D., was a resident of the State of Missouri.
3. That the Court's jurisdiction is invoked pursuant to diversity of citizenship, U.S.C., Title 28, § 1332.
4. That on or about April 1, 2006, up to April 6, 2006, Plaintiff Sandra R. Harris was a patient of the Defendant George Matuschak, M.D.
5. That during the aforementioned time period, the Plaintiff Sandra R. Harris was

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hospitalized at the facility of the Defendant, Tenet Healthcare Corporation, d/b/a as Subsidiary, Saint Louis University Hospital.

6. That at all times mentioned herein, it was the duty of the Defendant, George Matuschak, M.D., to possess and exercise the degree and skill possessed by practitioners in the field of internal and critical care medicine.

7. That at all times mentioned herein, the Defendant George Matuschak, M.D., was an agent and/or employee of the Defendant, Tenet Healthcare Corporation.

8. That at all times mentioned herein, the Defendant George Matuschak, M.D., was guilty of one or more of the following negligent acts or omissions:

- (a) Carelessly and negligently failed to assign a wound care team to Plaintiff on April 1, 2006 and thereafter;
- (b) Carelessly and negligently failed to implement measures to prevent the development of pressure ulcers in a patient at high risk;
- (c) Carelessly and negligently failed to monitor and evaluate the Plaintiff Sandra R. Harris, so as to discover the pressure ulcers; and
- (d) Carelessly and negligently failed to initiate aggressive treatment once pressure ulcers developed.

9. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions of the Defendant George Matuschak, M.D., the Plaintiff then and there sustained severe and permanent injuries; that Defendant's failure to comply with the acceptable standards of medical practice caused, or directly contributed to the worsening of her condition; that she suffered acute and prolonged physical and mental pain and suffering; and that she became liable for great sums of money for medical and hospital care and treatment, as well as incurring other expenses.

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10. That attached hereto is Plaintiff's Certificate of Merit, pursuant to statutory requirements.

WHEREFORE, Plaintiff Sandra R. Harris, prays for judgment against the Defendant GEORGE MATUSCHAK, M.D., for a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00), plus costs of suit.

JOHN J. HOPKINS & ASSOCIATES, P.C.

s/ John J. Hopkins

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ATTORNEYS FOR PLAINTIFF

Count II

COMES NOW, the Plaintiff, Sandra R. Harris, by and through her counsel of record, John J. Hopkins & Associates, P.C., and complaining of the Defendant, CARL KAPLAN, M.D., alleges as follows:

1. That at all times herein mentioned, the Plaintiff, Sandra Harris, was a resident of the State of Texas.

2. That at all times herein mentioned the Defendant, Dr. George Matuschak, was a resident of the State of Missouri.

3. That the Court's jurisdiction is invoked pursuant to diversity of citizenship, U.S.C., Title 28, § 1332.

4. That on or about April 6, 2006, up to April 27, 2006, Plaintiff Sandra R. Harris was

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a patient of the Defendant Carl Kaplan, M.D.

5. That during the aforementioned time period, the Plaintiff Sandra R. Harris was hospitalized at the facility of the Defendant, Tenet Healthcare Corporation, for the subsidiary of Saint Louis University Hospital.

6. That at all times mentioned herein, it was the duty of the Defendant, Carl Kaplan, M.D., to possess and exercise the degree and skill possessed by practitioners in the field of internal and critical care medicine.

7. That at all times mentioned herein, the Defendant George Matuschak, M.D., was an agent and/or employee of the Defendant, Tenet Healthcare Corporation.

8. That at all times mentioned herein, the Defendant Carl Kaplan, M.D., was guilty of one or more of the following negligent acts or omissions:

- (a) Carelessly and negligently failed to assign a wound care team to Plaintiff on April 1, 2006 and thereafter;
- (b) Carelessly and negligently failed to implement measures to prevent the development of pressure ulcers in a patient at high risk;
- (c) Carelessly and negligently failed to monitor and evaluate the Plaintiff Sandra R. Harris, so as to discover the pressure ulcers; and
- (d) Carelessly and negligently failed to initiate aggressive treatment once pressure ulcers developed.

9. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions of the Defendant Carl Kaplan, M.D., the Plaintiff then and there sustained severe and permanent injuries; that Defendant's failure to comply with the acceptable standards of medical practice caused, or directly contributed to the worsening of her condition; that she suffered acute and

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prolonged physical and mental pain and suffering; and that she became liable for great sums of money for medical and hospital care and treatment, as well as incurring other expenses.

10. That attached hereto is Plaintiff's Certificate of Merit, pursuant to statutory requirements.

WHEREFORE, Plaintiff Sandra R. Harris, prays for judgment against the Defendant CARL KAPLAN, M.D., for a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00), plus costs of suit.

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Count III

COMES NOW, the Plaintiff, Sandra R. Harris, by and through her counsel of record, John J. Hopkins & Associates, P.C., and complaining of the Defendant, TENET HEALTHCARE CORPORATION, d/b/a, as Subsidiary, Saint Louis University Hospital, alleges as follows:

1. That at all times herein mentioned, the Plaintiff, Sandra Harris, was a resident of the State of Texas.

2. That at all times herein mentioned, the Defendant, Tenet Healthcare Corporation, d/b/a, as Subsidiary, Saint Louis University Hospital, was a resident of the State of Missouri, for jurisdictional purposes, conducting its regular and customary business in said jurisdiction is invoked.

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3. That the Court's jurisdiction is invoked pursuant to diversity of citizenship, U.S.C., Title 28, § 1332.

4. That at all times herein mentioned, the Defendant, Tenet Healthcare Corporation, for the Subsidiary of Saint Louis University Hospital owned, operated, managed, maintained and controlled a certain hospital facility located at 3635 Vista Avenue, City of St. Louis, and State of Missouri, wherein Defendant, Tenet Healthcare Corporation, for the subsidiary of Saint Louis University Hospital, treated persons suffering from various ailments and/or injuries, provided and supplied rooms, laboratories, drugs, and certain devices for the needs of the patients during their treatment in said hospital.

5. That on or about April 1, 2006, Plaintiff was admitted to Saint Louis University Hospital, for treatment of shortness of breath/respiratory failure.

6. That at all times mentioned herein, certain physicians were the duly authorized agents, servants, and/or employees of Defendant Tenet Healthcare Corporation, for the subsidiary of Saint Louis University Hospital, and undertook to provide care and treatment to the Plaintiff Sandra R. Harris, and were at all times mentioned herein acting within the scope of said agency, service, and/or employment.

7. That it then and there became and was the duty of the Defendant, Tenet Healthcare Corporation, for the subsidiary of Saint Louis University Hospital, by and through its aforesaid agents, servants, and/or employees to render patient care consistent with the medical requirements of the patients therein, and so as not to cause injury to said patients, including the Plaintiff Sandra R. Harris.

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8. That after assuming the care and treatment of the Plaintiff Sandra R. Harris, the Defendant Tenet Healthcare Corporation, for the subsidiary of Saint Louis University Hospital, by and through its aforesaid agents, servants, and/or employees was guilty of one or more of the following negligent acts or omissions:

- (a) Carelessly and negligently failed to assign a wound care team to Plaintiff on April 1, 2006 and thereafter;
- (b) Carelessly and negligently failed to implement measures to prevent the development of pressure ulcers in a patient at high risk;
- (c) Carelessly and negligently failed to monitor and evaluate the Plaintiff Sandra R. Harris, so as to discover the pressure ulcers; and
- (d) Carelessly and negligently failed to initiate aggressive treatment once pressure ulcers developed.

9. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions of the Defendant Tenet Healthcare Corporation, for the subsidiary of Saint Louis University Hospital, by and through its agents, servants and/or employees, the Plaintiff then and there sustained severe and permanent injuries; that Defendant's failure to comply with the acceptable standards of medical practice caused, or directly contributed to the worsening of her condition; that she suffered acute and prolonged physical and mental pain and suffering; and that she became liable for great sums of money for medical and hospital care and treatment, as well as incurring other expenses.

10. That as the controlling entity of its employees George Matuschak, M.D., and Carl Kaplan, M.D., the Defendant is liable for Matuschak's & Kaplan's actions in the pursuit of their employment.

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11. That attached hereto is Plaintiff's Certificate of Merit, pursuant to statutory requirements.

WHEREFORE, Plaintiff Sandra R. Harris, prays for judgment against the Defendant TENET HEALTHCARE CORPORATION, d/b/a as Subsidiary, Saint Louis University Hospital, for a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00), plus costs of suit.

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